

## COVINGTON

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June 13, 2021

By ECF and E-Mail

Honorable Edgardo Ramos  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**Re: *United States v. Donald Blakstad* 19 Cr. 486 (ER)  
Subpoenas to *Illumina, Inc.***

Dear Judge Ramos:

We write as counsel for Illumina, Inc. (“Illumina”) with respect to a proposed negotiated resolution to two subpoenas issued by the defendant and received at Illumina headquarters on June 7, 2021.

The first subpoena received by Illumina (the “Document Subpoena”) sought “(1) the personnel and payroll records for Martha Patricia Bustos; and (2) Any reports, records or correspondence relating to possible disclosure by Ms. Bustos of information relating to Illumina’s financial condition.” The second subpoena received by Illumina (the “CFO Subpoena”) was addressed to Sam Samad, Illumina’s Chief Financial Officer, and directed him to appear for testimony on June 21, 2021. While the Court quashed the Document Subpoena from the bench on June 10, 2021 on motion of the Government, the CFO Subpoena remains outstanding.

We have negotiated with counsel for the defendant the following proposed agreement to resolve all requests made by the defense to Illumina:

1. Illumina will produce to the defense certain material responsive to the Document Subpoena. Specifically, Illumina will produce information from Ms. Bustos’s personnel file relating to her hiring, performance, and resignation from the company. This production will not include any information relating to medical or health matters and personal information will be redacted appropriately.
2. The subpoena to Mr. Samad will be quashed and defense counsel will not seek to re-subpoena him in connection with this trial.

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We respectfully request that the Court so-order this resolution. The Government takes no position with respect to this request. We will provide a courtesy copy of any production to the Government.

Respectfully Submitted,

/s/ Arlo Devlin-Brown

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*Counsel for Illumina, Inc.*

CC: Counsel of record (via ECF)

**SO ORDERED:**



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Hon. Edgardo Ramos  
United States District Judge

Date: June 14, 2021